IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 23RD NOVEMBER 2006 / 2ND AGRAHAYANA 1928

Crl.MC.No. 2270 of 2006()

PETITIONER: ACCUSED

E.K.MOIDEEN KUTTY MASTER,
S/O.MUHAMMAD, EDATHOLAKOTTASSERY HOUSE,
KUTTOOR POST, KANNAMANGALAM WEST,
MALAPPURAM.

BY ADV. SRI.VINOD VALLIKAPPAN

RESPONDENTS: COMPLAINANT & STATE

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1. NEELANDAN, S/O. CHERIYA NAGAN,
AKAMPURAI HOUSE, KANNAMANGALAM POST,
MALAPPURAM.

2. STATE OF KERALA REPRESENTED BY
THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.PUZHAKKARA MUHAMMED

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 23/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.2270 of 2006

Dated this the 23rd day of November 2006

O R D E R

This Criminal Miscellaneous case is filed by the petitioner, who is the accused in a prosecution launched interalia under Section 3 of the SC & ST Prevention of Atrocities Act. The proceedings have been initiated on the basis of a private complaint. Records in the case are found missing. After getting the permission of this court, records were attempted to be reconstructed. According to the court below, notice was given to both sides and it is thereafter that the records have been reconstructed. According to the petitioner, notice was given to him. He received notice. But no effective opportunity for raising objection was given to the petitioner. In the light of the report obtained from the learned Magistrate, I am satisfied that this Crl.M.C can be dismissed with the observation that if the petitioner has any objections against any re-constructed document, it shall be open to the petitioner to raise objections before the learned Magistrate now. The learned Magistrate shall consider such objections and pass appropriate orders. It shall be open to the petitioner to raise objections, if any, within a period of ten days from this date.

(R.BASANT, JUDGE)

jsr

R.BASANT, J

C.R.R.P.No.

ORDER

21ST DAY OF JULY 2006